UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff.

V.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application for the Determination of Reasonable License Fees for Performances via Wireless and Internet Transmissions by

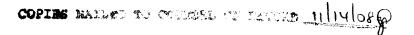
MOBITV INC. f/k/a IDETIC, INC.

Civil Action No. 41-1395 (WCC)

PROPOSEU ORDER

As agreed upon by the American Society of Composers, Authors and Publishers ("ASCAP") and MobiTV f/k/a Idetic, Inc. ("MobiTV") (collectively, the "Parties") and presented to the Court at the October 10, 2008 hearing, the Court adopts the following scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

- 1. On or before **December 31, 2008**, ASCAP shall serve its proposal for final fees on MobiTV:
- 2. On or before **January 30, 2009**, MobiTV shall serve its proposal for final fees on ASCAP;
 - 3. The Parties shall complete fact discovery by **February 17, 2009**;
- 4. On or before **February 17, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;



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5. On or before March 3, 2009, ASCAP shall serve any initial expert reports on

MobiTV;

6. On or before April 7, 2009, MobiTV shall serve any initial expert reports on

ASCAP;

7. On or before **April 28, 2009**, ASCAP shall serve any expert rebuttal reports;

8. On or before **May 12, 2009**, MobiTV shall serve any expert rebuttal reports;

9. The Parties shall complete expert discovery by **June 9, 2009**;

10. The Parties shall file any dispositive motions with the Court on or before

June 16, 2009; and

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11. The Parties shall appear for a pretrial conference on June 23, 2009, at 10:15 a.m.

Nothing in this Scheduling Order shall prevent either party from asking the Court to set

additional dates or otherwise modify this Scheduling Order.

SO ORDERED.

Dated: White Plains, New York

November 14, 2008

Sr. United States District Judge